

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF JUVENILE JUSTICE SERVICES  
YOUTH PAROLE AUTHORITY  
POLICY AND PROCEDURES

Policy No.: 08-05	Effective Date: 07/04	Revision Date: 08/31/04
Subject: Description of Individual Hearings		

**I. Policy Statement**

It is the policy of the YPA to describe each type of hearings held by the YPA.

**II. Rationale**

Youth Parole Hearings will be described according to their type and purpose, so all who participate may understand their purpose.

**III. Procedures**

**A. Initial Parole Hearings**

1. Youth committed to the Division by the Juvenile Court for secure care are automatically placed on a calendar for an initial hearing before the Authority within ninety- (90) days from the date of commitment. The purpose of this hearing is for the Authority to establish a length-of-stay guideline for the youth, to explain the reasons for his or her guideline, to review the competency development plan, to outline expectations that the Authority has regarding the youth's conduct at the facility, and to establish a date for the next hearing. Legal representation is not permitted at initial hearings.
2. The assigned case manager and unit coordinator from the secure care facility will be present at the hearing.
3. The initial report will be prepared by the case manager and submitted to the Authority two weeks prior to the scheduled hearing. The case manager is responsible for submitting the following:
  - a. identifying information,
  - b. delinquency history,
  - c. summary of committing offenses, police reports when requested,
  - d. pending charges,
  - e. summary of placement history,
  - f. social information,
  - g. restitution orders/victim information,
  - h. disciplinary problems (coordinate with secure care facility staff),
  - i. treatment plan (coordinate with secure care facility staff),
  - j. date and signature of case manager.

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF JUVENILE JUSTICE SERVICES  
YOUTH PAROLE AUTHORITY  
POLICY AND PROCEDURES

Policy No.: 08-05	Effective Date: 07/04	Revision Date: 08/31/04
Subject: Description of Individual Hearings		

4. Other information utilized by the Authority includes, but is not limited to, Juvenile Justice information such as placement histories, rap sheets and guidelines.

**B. Progress Review Hearings**

1. Youths committed to the Division for secure care will have a personal appearance before the Authority within one hundred eighty (180) days prior to being paroled. A progress review hearing will be held one hundred eighty (180) days from the initial hearing when lengthy guideline considerations do not indicate the setting of a parole review hearing. The purpose of this hearing is to review the youth's overall progress in secure care from the date of their initial hearing and to establish a date for a parole review hearing, if appropriate. Legal representation is not permitted at progress review hearings.
2. The treatment supervisor and advocate from the secure care facility will be present at the hearing. The assigned case manager should be present at the hearing when possible.
3. An update summary will be submitted to the Authority's administrative officer by the secure care facility two weeks (14 days) prior to the hearing. The report will consist of:
  - a. the progress the youth has made in regards to the individual competency development plan since their initial hearing;
  - b. an update regarding social, psychological, and/or psychiatric information when appropriate;
  - c. an update of educational or vocational progress and plans;
  - d. copies of any incident reports and an explanation of any major violations of the law or rules and regulations of the secure care facility;
  - e. Recommendations.

**C. Parole Review Hearings**

1. A parole review hearing may be scheduled within one hundred eighty (180) days from either the initial hearing or the progress review hearing. The purpose of the parole review hearing is to review the youth's progress in regards to his or her individual competency development plan since the initial/progress hearing, to consider recommendations regarding a parole

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF JUVENILE JUSTICE SERVICES  
YOUTH PAROLE AUTHORITY  
POLICY AND PROCEDURES

Policy No.: 08-05	Effective Date: 07/04	Revision Date: 08/31/04
Subject: Description of Individual Hearings		

release plan as developed by the secure care staff and case manager, to establish conditions of parole, and to set a date for parole release, if appropriate. Parole release dates can be given in time frames of zero (0) to ninety- (90) days, but cannot exceed ninety- (90) days. The parole release date may commence the date of the parole review hearing, or it could begin at some future date designated by the Authority. The Director of the secure care facility or their designee will determine the parole release date within the given parole release time frame. Based upon updates regarding a resident's lack of progress, a Parole Review Hearing may be modified back to a Progress Review Hearing.

2. The assigned case manager and unit coordinator from the secure care facility will be present at the hearing. In the event the case manager or unit coordinator cannot attend the hearing, the supervisor (in the case of the case manager) and the Director of the secure care facility (in the case of the unit coordinator) will appoint a designee.
3. The parole report will be prepared by the unit coordinator and addressed and submitted to the administrative officer of the Authority two (2) weeks prior to the scheduled hearing. The unit coordinator is responsible for submitting the following information:
  - a. identifying information,
  - b. educational update,
  - c. medical information/status of medications where appropriate,
  - d. outstanding court obligations,
  - e. discipline problems (report all serious and major incidents and include disciplinary findings if any),
  - f. psychological and/or psychiatric information (when specifically requested by the Authority) and any additional information gained since last hearing,
  - g. progress made in relationship to Competency Development Plan. The unit coordinator will address each treatment issue, and document in the report;
  - h. the degree of progress the youth has made regarding each treatment issue. Progress in regards to each treatment issue will be rated as: Poor, Moderate, Good, or Excellent;
  - i. Transition/Parole Release Plan (coordinate with case manager);
    - 1) Prospective placement
    - 2) Specific conditions of parole
    - 3) Authorization for parole status will not be considered without a comprehensive placement plan.

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF JUVENILE JUSTICE SERVICES  
YOUTH PAROLE AUTHORITY  
POLICY AND PROCEDURES

Policy No.: 08-05	Effective Date: 07/04	Revision Date: 08/31/04
Subject: Description of Individual Hearings		

- j. date and signature of unit coordinator. The case manager and secure care facility staff will assist the youth in respect to the parole release hearing to help them in appearances before the Authority, in executing appeals, and in dealing effectively with the release progress.

D. Rescission Hearings

1. When the Authority has established an effective date of parole, release on that date is contingent upon continued satisfactory conduct by the youth. If a youth who has been granted such a date has been found in violation of facility rules by a secure care facility disciplinary committee, or is alleged to have committed a new delinquent act at any time prior to release on parole, the Director of the secure care facility will be notified immediately of such information.
2. Following receipt of such information, the Facility Director may request a rescission hearing before the Authority. In the event a rescission hearing is requested, the Director will promptly notify the Authority. The findings of the secure care facility disciplinary committee and all incident reports regarding the violation or alleged delinquency will be forwarded to the Authority for the hearing.
3. In the event a youth is alleged to have committed a new delinquency while on trial placement and no secure care facility disciplinary hearing is conducted, the youth is scheduled for a rescission hearing upon return to the secure care facility.
4. Once the Director of the secure care facility has initiated a request for a rescission hearing, the youth will not be released until the Authority has heard the matter.
5. A rescission hearing is scheduled by the Authority on the next available docket at the secure care facility in which the action was initiated. If the next available docket is after the release date, the Authority may extend the parole date to the next available docket without a hearing.
6. The youth is given written notice by the Authority at least forty-eight (48) hours prior to the hearing specifying the information to be considered at the hearing. The notice states the purpose of the hearing will be to decide whether

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF JUVENILE JUSTICE SERVICES  
YOUTH PAROLE AUTHORITY  
POLICY AND PROCEDURES

Policy No.: 08-05	Effective Date: 07/04	Revision Date: 08/31/04
Subject: Description of Individual Hearings		

rescission of the parole date is warranted based on the charges listed on the notice and advise the youth of the procedural rights described below:

- a. A secure care facility disciplinary committee hearing resulting in a finding that the youth has committed a violation of disciplinary rules may be relied upon by the Authority as conclusive evidence of violations of the rules of the secure care facility.
  - b. In the case of allegations of new delinquent conduct committed prior to release on parole, the Authority may consider documentary evidence and/or written testimony presented by the youth, arresting authorities, or other persons.
  - c. The youth is afforded an opportunity at the rescission hearing to explain any mitigating circumstances and to present documentary evidence in mitigation of the misconduct. The Authority may consider documentary evidence and/or written testimony presented by other persons.
  - d. A responsible person of their choice may represent youth at the rescission hearing. The function of the youth's representative will be to offer a statement following the discussion of the charges with the youth and to provide such additional information as the Authority may require.
  - e. If a parole date is rescinded, the Authority gives to the youth a written statement of the findings and the evidence relied upon.
7. Based on its findings, the Authority may or may not rescind the parole date. In the event the youth's parole is rescinded, the Authority may establish a new parole date or schedule a new hearing for parole determination.
  8. The Director of the secure care facility may request the Authority to extend a parole release date when, due to no fault of the youth, a placement and/or condition of parole has changed or cannot be fulfilled. The Director must give reasons for the extension. The request must be accompanied with a signed waiver by the youth indicating that he/she is in agreement with the extension. Upon receipt of the request and waiver, the Authority may extend the release date up to thirty- (30) days without a hearing. If the youth disagrees with the request and/or refuses to sign the waiver, he or she will be permitted a personal appearance to show cause why the date will not be extended.

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF JUVENILE JUSTICE SERVICES  
YOUTH PAROLE AUTHORITY  
POLICY AND PROCEDURES

Policy No.: 08-05	Effective Date: 07/04	Revision Date: 08/31/04
Subject: Description of Individual Hearings		

E. Special Administrative Hearings

1. The Authority can request an administrative hearing when circumstances require immediate action. The Director of the secure care facility will request an administrative hearing in writing when he or she believes special conditions exist which warrant an early release or a change in conditions of a previous decision.
2. These circumstances could include, but not be limited to, illness in family, illness of youth requiring extensive medical attention, exceptional performance or progress in the facility, or exceptional opportunity for employment.
3. The family prepares a report for the Authority outlining the circumstances needing consideration and submits this to the administrative officer for calendaring before the Authority. The youth is then notified in writing of the Authority's decision.
4. The youth is not afforded a personal appearance or legal representation for this review, but a member of the secure care facility staff may be present at the hearing.

F. Prerevocation Hearings

1. The Authority's administrative officer either presides at the hearing or appoints a designated hearing officer. Legal representation may be appointed to the youth at the discretion of the hearing officer.
2. When a warrant of arrest is issued, a youth may be held in a local detention facility for a period not to exceed forty-eight (48) hours, excluding weekends and legal holidays, to allow time for the pre-revocation hearing.
3. Notice to Parole
  - a. The case manager is to complete the Notice of Preliminary Hearing and Alleged Parole Violations, which includes the following information:
    - 1) specific nature of the alleged violation(s),
    - 2) date and place of alleged violation(s),

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF JUVENILE JUSTICE SERVICES  
YOUTH PAROLE AUTHORITY  
POLICY AND PROCEDURES

Policy No.: 08-05	Effective Date: 07/04	Revision Date: 08/31/04
Subject: Description of Individual Hearings		

- 3) date of hearing. The case manager is to consult the hearing officer to determine the time, date, and location of the hearing.
  - b. The notice is to be delivered to the youth at least twenty- four (24) hours prior to the hearing.
    - 1) The case manager is to deliver the original and copies of the notice to the youth.
    - 2) The case manager is to read the entire notice to the youth upon delivery.
    - 3) The youth will sign and date the notice and two (2) copies, indicating they received it.
    - 4) If the youth chooses to waive the pre-revocation hearing, they are to sign and date the waiver and two (2) copies.
    - 5) If the parolee refuses to sign the notice or to waive hearing a statement to that effect will be noted by the case manager at the bottom of the form and two (2) copies. The case manager signs and dates this statement.
  - c. Distribution
    - 1) The youth is to receive the original notice.
    - 2) The case manager is to keep one (1) copy of the notice with original signatures.
4. The following information is forwarded by the case manager to the hearing officer prior to the hearing:
  - a. the Notice of Preliminary Hearing and Alleged Parole Violations,
  - b. witness list,
  - c. parole violation report,
  - d. police reports and written statements,
  - e. Juvenile Court information,
  - f. other pertinent information.
5. At the hearing, the case manager will present the evidence to support the alleged violation to the hearing officer.
6. The hearing officer will base his or her decision on a findings of probable cause.

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF JUVENILE JUSTICE SERVICES  
YOUTH PAROLE AUTHORITY  
POLICY AND PROCEDURES

Policy No.: 08-05	Effective Date: 07/04	Revision Date: 08/31/04
Subject: Description of Individual Hearings		

- a. If probable cause is not determined, the parolee is released from temporary detention.
- b. If probable cause is determined, the parolee is either transferred to a secure care facility or released on his or her own recognizance. A revocation hearing shall be held within twenty-one (21) working days from the date of the pre-revocation hearing, or signed waiver.
- c. The hearing officer notifies the parolee of their decision at the conclusion of the hearing. A written finding of facts is to be forwarded to the parolee within fourteen (14) days, but not later than seventy-two (72) hours, prior to a revocation hearing. An Order of Temporary Detention must accompany the youth to the secure care facility if the youth is to be remanded pending a revocation hearing.

G. Parole Revocation Hearings

- 1. In determining whether parole revocation proceedings will be initiated, the region staff will consider the following factors:
  - a. seriousness and complexity of alleged violation. For example, an offense or violation that would result in a petition being filed if the youths were not already on parole;
  - b. the potential threat posed by the parolee to him or herself or the community;
  - c. probability of the youth absconding;
  - d. admission or denial of guilt by the parolee.
    - 1) If the parolee admits guilt on one (1) or more allegations and the case manager determines secure confinement is appropriate, a pre-revocation hearing will be recommended.
    - 2) If the parolee denies guilt, the case manager must coordinate closely with the Juvenile Court and consider the two following conditions:



DEPARTMENT OF HUMAN SERVICES  
DIVISION OF JUVENILE JUSTICE SERVICES  
YOUTH PAROLE AUTHORITY  
POLICY AND PROCEDURES

Policy No.: 08-05	Effective Date: 07/04	Revision Date: 08/31/04
Subject: Description of Individual Hearings		

- a) status of pending charges and if a petition will be filed'
  - b) seriousness of pending charges
- 3) If the youth denies guilt on all delinquent charges and a court hearing is pending, the case manager may not want to consider initiating a revocation proceeding until a disposition is made by the Juvenile Court. The alleged violator may remain either in detention or in the community.
- e. After reviewing all pertinent information, the case manager and his or her supervisor should come to agreement as to the initiation of parole revocation proceedings.
- f. In the event the youth is subsequently committed by the court prior to a revocation hearing, his or her parole is automatically terminated at the date of commitment. At that time, an initial hearing is set.
- 2. Upon receiving a copy of the youth's waiver Order of Temporary Detention and the findings of probable cause in the pre-revocation hearing, the Authority's administrative officer schedules the case for a Revocation Hearing and appoints legal representation.
  - a. Notice to Parolee
    - 1) The administrative officer prepares information on the parole violations document and serves this to the alleged violator seventy-two (72) hours prior to the revocation hearing.
    - 2) The Information of parole violations document is to inform the youth of the specific charges, the date of the hearing, and of his/her rights.
  - b. Rights of the parolee involved in revocation proceedings:
    - 1) The right to adequate written notice of the alleged violations.
    - 2) The right to legal representation at the hearing. If the parolee wishes to waive counsel, he/she will be interviewed by the attorney and sign a document waiving the requirement.

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF JUVENILE JUSTICE SERVICES  
YOUTH PAROLE AUTHORITY  
POLICY AND PROCEDURES

Policy No.: 08-05	Effective Date: 07/04	Revision Date: 08/31/04
Subject: Description of Individual Hearings		

- 3) The right to respond to the allegations made against him/her, to have voluntary witnesses appear on his/her behalf, to present relevant evidence by affidavit or by other means, and the right to question persons having information on which the alleged parole violations are based.
- 4) The right to disclosure of the evidence.

H. Revocation Hearing

1. At the revocation hearing the charges are read and the parolee either admits to or denies the allegations.
  - a. If the charges are denied, an evidentiary hearing is conducted. Based upon pending Juvenile Court action, the Authority may continue the matter at the parolee's request. When the pending action is resolved, a representative of the secure care facility reports this to the Authority and again the matter is calendared for a hearing by the Authority
  - b. The parolee may admit to the charges and be given a disposition at that time.
2. If the alleged charges are found to be true and parole is revoked, the Authority may:
  - a. Remand the parolee to a secure care facility, and schedule Progress or Parole hearing.
  - b. Or set a new parole date with revised special conditions of parole as warranted.
  - c. If the alleged charges are found to be not true, the parolee will be released immediately from secure confinement.
  - d. The youth is notified verbally and in writing by findings of fact and conclusion of law and order within twenty-one (21) days after a revocation hearing is held.
  - e. The administrative officer prepares and signs, on behalf of the Authority, the findings of fact and conclusions of law. The document is forwarded to

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF JUVENILE JUSTICE SERVICES  
YOUTH PAROLE AUTHORITY  
POLICY AND PROCEDURES

Policy No.: 08-05	Effective Date: 07/04	Revision Date: 08/31/04
Subject: Description of Individual Hearings		

the youth. Copies are given to the secure care facility, parole officer, and case file.

**I. General Administrative Hearings**

1. The Authority conducts administrative hearings to determine termination from parole. The case manager and supervisor initiate requests for parole termination. The requests are submitted in writing to the Authority summarizing the performance of the offender during the period of supervision. The following criteria may be utilized in terminating parole supervision:
  - a. Stable full-time employment of educational involvement.
  - b. Remaining incident free for one (1) year.
  - c. Good adjustment
  - d. Age, rehabilitation, jurisdiction.
  - e. Involvement in the Adult Criminal Justice System.
2. Case Managers are encouraged to consider parole termination when it is clear that delivery of services is no longer required to protect the community and/or add to the youth's overall adjustment.

**IV. Continuous Renewal**

This policy shall be reviewed three (3) years from its effective date to determine its effectiveness and appropriateness. This policy may be reviewed before that time to reflect substantive change.

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF JUVENILE JUSTICE SERVICES  
YOUTH PAROLE AUTHORITY  
POLICY AND PROCEDURES

Policy No.: 08-05	Effective Date: 07/04	Revision Date: 08/31/04
Subject: Description of Individual Hearings		

This policy has been reviewed by the Board of Juvenile Justice Services and is approved upon the signature of the Director.

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Calvin C. Clegg, Chairman  
Youth Parole Authority

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Date

\_\_\_\_\_  
Eldon Money, Chairman  
Board of Juvenile Justice Services

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Date

\_\_\_\_\_  
Blake D. Chard, Director  
Division of Juvenile Justice Services

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